

IV. REMARKS:

The Assignee provides amendments to the abstract and claims as presented above and remarks set out below to address each concern raised by the office in the official communication mailed March 3, 2008. Importantly, it should be understood that the amendments submitted previously or herein are made as a matter of practicality only, and should not to be construed as creating any situation of file wrapper estoppel or the like as all rights are expressly reserved and may be pursued in this or other applications, such as divisionals, continuations, or continuations-in-part if desired. Amendments are made for tangential issues of clarity and as a matter of the Office's convenience or expedience only. The amendments should not be interpreted as an action that in any way surrenders a particular equivalency, surrenders any right to patent coverage, or otherwise limits any rights that the Assignee may now or hereafter assert. It should be understood that, unless and to the extent deemed broadened by this amendment, and even as amended, the Assignee expressly reserves all rights, including but not limited to: all rights to maintain the scope of literal coverage with respect to any element as may have existed under the language previously presented, all rights to maintain the scope of equivalency coverage as may have existed under the language previously presented, and all rights to re-present the prior language at any time in this or any subsequent application. To the extent currently foreseeable, no change or reduction in *direct or* equivalency coverage is believed to exist, and no change or reduction in *direct or* equivalency coverage is intended through the presentation of this amendment.

Abstract

Assignee amends the abstract to delete the words, "said" and "comprising". It is believed that the abstract is now in proper format and language.

35 USC § 103 Concerns

Assignee amends independent claim 1 to include, *inter alia*, "a common source of electromagnetic radiation." Neither the Potts nor the Hoffman reference teach or suggest use of a

common source of electromagnetic radiation with a plurality of flow cytometry units as defined claim 45. As such, it is respectfully requested that the examiner reconsider and allow the claims.

CONCLUSION

The Assignee has addressed all concerns under Sections 103 and respectfully requests an allowance at the examiner's earliest convenience.

Dated this 3rd day of September, 2008.

Respectfully Submitted,
SANTANGELO Law Offices, P.C.

By: /Nicole A. Ressuc/
Nicole A. Ressuc
Attorney for Assignee
PTO Reg. No.: 48,665
125 South Howes, Third Floor
Fort Collins, Colorado 80521
(970) 224-3100